

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Missouri

TRANSFER OF RESOURCES

*See Below

1902(f) and 1917
of the Act

The agency provides for the denial of eligibility by reason of disposal of resources for less than fair market value.

A. Except as noted below, the criteria for determining the period of ineligibility are the same as criteria specified in section 1613(c) of the Social Security Act (Act).

1. Transfer of resources other than the home of an individual who is an inpatient in a medical institution.

- a. ☐ The agency uses a procedure which provides for a total period of ineligibility greater than 24 months for individuals who have transferred resources for less than fair market value when the uncompensated value of disposed of resources exceeds \$12,000. This period bears a reasonable relationship to the uncompensated value of the transfer. The computation of the period and the reasonable relationship of this period to the uncompensated value is described as follows:

*Missouri follows Section 1917(c) of the Act for transfers occurring on or after July 1, 1989. For property transferred prior to July 1, 1989, Pages 1-7 of Supplement 9 to Attachment 2.6-A apply.

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b. ☒ The period of ineligibility is less than 24 months, as specified below:

c. ☒ The agency has provisions for waiver of denial of eligibility in any instance where the State determines that a denial would work an undue hardship.

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2. Transfer of the home of an individual who is an inpatient in a medical institution.

☐ A period of ineligibility applies to inpatients in an SNF, ICF or other medical institution as permitted under section 1917(c)(2)(B)(i).

- a. Subject to the exceptions on page 2 of this supplement, an individual is ineligible for 24 months after the date on which he disposed of the home. However, if the uncompensated value of the home is less than the average amount payable under this plan for 24 months of care in an SNF, the period of ineligibility is a shorter time, bearing a reasonable relationship (based on the average amount payable under this plan as medical assistance for care in an SNF) to the uncompensated value of the home as follows:

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- b. ☒ Subject to the exceptions on page 2 of this supplement, if the uncompensated value of the home is more than the average amount payable under this plan as medical assistance for 24 months of care in an SNF, the period of ineligibility is more than 24 months after the date on which he disposed of the home. The period of ineligibility bears a reasonable relationship (based upon the average amount payable under this plan as medical assistance for care in an SNF) to the uncompensated value of the home as follows:

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No individual is ineligible by reason of item A.2
if--

- (i) A satisfactory showing is made to the agency (in accordance with any regulations of the Secretary of Health and Human Services) that the individual can reasonably be expected to be discharged from the medical institution and to return to that home;
- (ii) Title to the home was transferred to the individual's spouse or child who is under age 21, or (for States eligible to participate in the State program under title XVI of the Social Security Act) is blind or permanently and totally disabled or (for States not eligible to participate in the State program under title XVI of the Social Security Act) is blind or disabled as defined in section 1614 of the Act;
- (iii) A satisfactory showing is made to the agency (in accordance with any regulations of the Secretary of Health and Human Services) that the individual intended to dispose of the home either at fair market value or for other valuable consideration; or
- (iv) The agency determines that denial of eligibility would work an undue hardship.

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3. 1902(f) States

X Under the provisions of section 1902(f) of the Social Security Act, the following transfer of resource criteria more restrictive than those established under section 1917(c) of the Act, apply:

The transfer provisions apply to a claimant (other than for AFDC) or spouse with whom he is living who has given away or sold property or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation or at any time during which benefits are being drawn, if such individual

(continued on attached page 6.1)

B. Other than those procedures specified elsewhere in the supplement, the procedures for implementing denial of eligibility by reason of disposal of resources for less than fair market value are as follows:

1. If the uncompensated value of the transfer is \$12,000 or less:

When a transfer of property to gain eligibility has occurred, the claimant will be considered as owning the uncompensated value for the number of months (not to exceed 24) the uncompensated value is divisible by the average monthly grant or Medicaid payment in Missouri.

2. If the uncompensated value of the transfer is more than \$12,000:

When a transfer of property to gain eligibility has occurred, the claimant will be considered as owning the uncompensated value for the number of months (not to exceed 60) the uncompensated value is divisible by the average monthly grant or Medicaid payment in Missouri.

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or spouse gave away or sold such property or interest within such period of time at less than fair market value of such property or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December 1973, eligibility requirements.

Any such transfer shall be presumed to have been for the purpose of establishing eligibility for Medicaid unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose.

The uncompensated value of the transferred property shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his behalf under the program for which benefits are claimed provided that:

- o When the uncompensated value is twelve thousand dollars or less, the uncompensated value shall not be used in determining eligibility for more than twenty-four months; or
- o When the uncompensated value exceeds twelve thousand dollars, the uncompensated value shall not be used in determining eligibility for more than 60 months.
- o Unless the property is restored so that the claimant is in the same position that he was prior to the transfer or if fair and valuable consideration is received for the property.

This transfer provision does not apply to transfers occurring before March 26, 1981. It does not apply to loss of property due to foreclosures, defunct sales contracts, or repossessed property by the seller or lending agency due to claimant's failure to pay. The mere addition of a name to a bank account does not constitute transfer.

The transfer occurs when the person making the transfer has deeded over the property and the deed or other instrument is no longer in the physical possession of the grantor.

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3. If the agency sets a period of ineligibility of less than 24 months and applies it to all transfers of resources (regardless of uncompensated value):

4. Other procedures:

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